

Application Serial No. 09/682,609

Attorney Docket No. 59589.000015

REMARKS

Claims 1, 2, 5-16, 18-21, and 24-34 are pending in this application. Reconsideration and allowance in view of the following remarks is respectfully requested.

I. The 35 U.S.C. §103 Rejection

The Office Action rejects claims 1-34<sup>1</sup> under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 3,453,443 to Stoeckly in view of U.S. Patent No. 4,136,432 to Melley, Jr. (Melley) and further in view of U.S. Patent No. 4,992,669 to Parmley. The rejection is respectfully traversed.

Claim 1 recites a mobile power generation system, comprising a main trailer having an engine, wherein the engine is a gas turbine; and an electric generator turned by the engine; an air filtration trailer having air filtration equipment for filtering air used as inlet air to the engine; an exhaust trailer having a part of an exhaust silencing system for reducing engine output noise; and an auxiliary trailer having auxiliary equipment for use during operation of the engine.

The teachings of Melley and Parmley are discussed in the May 20, 2003 Amendment. The Office Action relies on the teachings of Parmley for the assertedly disclosed modular system configuration. The Office Action relies on the teachings of Melley for additional system elements of the mobile electric power generating system.

Stoeckly is directed to a gas turbine mobile power plant. In particular, Stoeckly teaches a mobile gas turbine-generator powerplant having individual gas generators mounted atop a large capacity electric generator with a turbine wheel attached to the electric generator shaft. Stoeckly describes the power plant being mounted at three points on a frame and wheeled carriages constituting a railroad car.

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<sup>1</sup> Applicant respectfully notes that the pending claims are 1-2, 5-16, 18-21, 24-34.

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In column 1, lines 50-60, Stoeckly teaches a gas turbine-generator powerplant mounted on a railroad car. The mobile powerplant is completely self contained on its flatcar, including a fuel supply. Further, in column 2, lines 28-32, Stoeckly teaches, with respect to the railroad car, at each end of the car, there is a four axle truck or carriage. The entire weight of the powerplant and its frame rests upon two transverse bearings 36, one near each end of the car.

Further, in column 2, lines 66-72, Stoeckly teaches that relative to the frame, the powerplant is thereon supported by the three support brackets 58. And within the powerplant, the turbine and generator rotors are supported by the two rotor bearings 14. Stoeckly describes that this minimum of support points enables the railroad car to negotiate a curve of a radius as small as 120 feet without incurring any problems of misalignment or bending in the powerplant structure. Further, in column 3, lines 54-62, Stoeckly teaches the railroad car might employ two three-axle trucks rather than four-axle trucks.

Accordingly, the disclosure of Stoeckly focuses on the disclosed arrangement utilizing a railroad car. Further, Stoeckly teaches various advantages of the Stoeckly invention in the context of a railroad car.

As noted above, the rejection as set forth in the Office Action is respectfully traversed. On page 2, the Office Action asserts that Stoeckly discloses the construction of a gas turbine mobile powerplant and sets out various features of the invention of claim 1 that Stoeckly allegedly teaches. In the rejection, the Office Action asserts that Stoeckly fails to disclose air filtration, exhaust, and auxiliary trailers. In order to assertedly remedy this deficiency of Stoeckly, the Office Action asserts that Parmley teaches the construction of a modular energy system which include separable driving and driven units for the purpose of rapidly and easily replacing the units as needed. Further, the Office Action asserts that it would have been obvious

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to one skilled in the art at the time the invention was made to use the modular system configuration disclosed by Parmley on the gas turbine mobile power plant disclosed by Stoeckly having the additional system elements of the mobile electric power generating system disclosed by Melley for the purpose of rapidly and easily replacing the units as needed. These assertions in the Office Action are respectfully traversed.

As an initial point, Applicant submits that under *Graham v. John Deere Co.* 383 U.S. 1 (1966), the rejection must provide motivation for combining the applied art so as to allegedly teach the claimed invention. It is respectfully submitted that the Office Action is deficient in providing proper motivation for the proposed combination of art.

To explain, the Office Action asserts that Stoeckly fails to disclose air filtration, exhaust, and auxiliary trailers, but proposes to modify Stoeckly to have the additional system elements of the mobile electric power generating system disclosed by Melley. However, no motivation is provided for the modification of Stoeckly. The motivation provided is directed to the modularity, i.e., for the purpose of rapidly and easily replacing the units as needed. See the Office Action on page 4, lines 8 and 12. This motivation does not fairly support, or even seem related to, the addition of structural components in the arrangement of Stoeckly.

As noted above and as readily apparent from a review of Stoeckly, the disclosure of Stoeckly focuses on the disclosed arrangement utilizing a railroad car. Further, Stoeckly teaches various advantages of the Stoeckly invention in the context of a railroad car. The claimed invention as set forth in claim 1, for example, recites a mobile power generation system, comprising a main trailer; an air filtration trailer; an exhaust trailer; and an auxiliary trailer. These are clear recited features of claim 1.

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It is fully unclear how the teachings of Stoeckly, directed to a railroad car arrangement, would in any way be modified so as to fairly teach or suggest the claimed invention, i.e., and in particular teach or suggest the claimed four trailers. The Examiner is requested to clarify the manner in which Stoeckly might be so modified. The teachings of Stoeckly are directed to a railroad car arrangement. As can be appreciated, railroad cars are of course limited to travelling on tracks. The applied art must teach each and every feature of the claimed invention. It is not seen that the arrangement of Stoeckly somehow distributed out into four railroad cars would be feasible, and certainly would not be obvious, as proposed in the Office Action. That is, the claimed invention reflects the arrangement as shown in Figure 6 of the present application, for example. Figure 6 shows trailers that are suitable for travel on highways and that can be arranged at right angles, or parallel and adjacent to, each other, for example, as desired. The claimed invention reciting the four trailers (and the particulars of each trailer) distinguish over the proposed modification of Stoeckly, in that Stoeckly cannot be fairly modified to teach the claimed invention.

The Office Action appears to propose to add the additional system components of air filtration, exhaust and auxiliary trailers to Stoeckly. Stoeckly teaches in column 2, lines 5-27, that gas generators 24 are slightly modified aircraft gas turbine engines of the type commonly known as "jet engines." Applicant submits that, with such arrangement, it would not have been obvious to simply add an air filtration arrangement, for example, so as to support the proposed combination with the system elements of Melley. Rather, Applicant submits that to add such an air filtration component would require such a large filtration system, i.e., given the use of jet engines, so as to be unworkable in the arrangement proposed in the Office Action.

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It is respectfully submitted that the rejection as set forth in the Office Action is unsupportable and extends beyond what would have been obvious to one of ordinary skill in the art. That is, it is submitted that the rejection contemplates modifying a modified arrangement. The Office Action asserts that it would have been obvious to one skilled in the art at the time the invention was made to use the modular system configuration disclosed by Parmley on the gas turbine mobile power plant disclosed by Stoeckly having the additional system elements of the mobile electric power generating system disclosed by Melley for the purpose of rapidly and easily replacing the units as needed. Accordingly, the Office Action first asserts that it would have been obvious to somehow add components to the arrangement of Stoeckly, and then, that it would have been obvious to modify those very added components so as to be modular. Applicant submits that such two-step modification of Stoeckly is not a fair and supportable combination of the art, but rather an inappropriate picking and choosing.

Further, it is respectfully submitted that Stoeckly, as proposed to be modified in the Office Action, simply cannot provide the advantages of the claimed invention. For example, as described in the present application, the invention provides a complete mobile electric power generation system mounted on a plurality of trailers that can be moved over highways and other roads. Stoeckly and the disclosed railroad car arrangement clearly cannot provide these advantages.

The Office Action notes that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art; and that it has been held that constructing a formally integral structure in various elements involves only routine skill in the art. However, it is respectfully submitted that the claimed invention provides a specific arrangement of components to allow use of a gas turbine in a mobile power generation

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system, and that this claimed arrangement is not taught or suggested by the applied art. Stoeckly of course does teach a mobile system. However, even if Stoeckly was somehow modularized, Stoeckly would still fail to teach the components of claim 1, much less the particular arrangement of claim 1, e.g., Stoeckly fails to teach the particular arrangement between the trailers, or even be able to be so configured without destroying the teachings of Stoeckly.

For at least the above reasons, as well as the reasons set forth in the May 20, 2003 Amendment, Applicant respectfully submits that independent claim 1 defines patentable subject matter. Further, it is submitted that independent claims 16 and 20 define patentable subject matter for reasons similar to those set forth above with respect to claim 1.

The dependent claims variously depend from claims 1, 16 and 20 and therefore also define patentable subject matter for the reasons set forth above with respect to the independent claims, as well as for the additional features such dependent claims recite.

It is respectfully submitted that the claims define patentable subject matter.

Reconsideration and withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

## II. CONCLUSION

For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

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For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,  
HUNTON & WILLIAMS

  
James R. Miner  
Registration No. 40,444

Hunton & Williams  
1900 K Street, N.W., Suite 1200  
Washington, D.C. 20006-1109  
(202) 955-1500

Dated: January 7, 2004